REMARKS

Applicants have amended claims 1 and 21. Claims 1-43 remain pending in the application, of which claims 1 and 21 are independent.

Applicants note that the Office Action Summary only indicated that claims 1-41 are rejected and summary paragraphs 3 and 28 only indicated that claims 1-40 were rejected. Nevertheless, paragraphs 24-26 of the Detailed Action recited remarks regarding the rejection of claims 41-43. Accordingly, Applicants address herein all rejections that were set forth in the Detailed Action.

Claim Rejections – 35 U.S.C. § 102

In the Office Action, claims 1-16, 18-36 and 38-43 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent 6,141,353 (Li). Applicants respectfully traverse this rejection.

It is well settled that in order for a claim to be anticipated, each every element of the must be disclosed or described in a single prior art reference. Applicant respectfully submits that Li does not anticipate claims 1-16, 18-36 and 38-40 as Li does not disclose each and every element of those claims.

Claim 1, as amended, recites:

A method for providing dynamic adjustment of frame encoding parameters to improve transmission performance for a transmitting frame being transmitted from a transmitting station to a receiving station over a transmission medium on a frame-based communications network, the transmitting frame having a header segment and a payload segment, the header segment being transmitted using a fixed set of encoding parameters, the payload segment being transmitted using a variable set of payload encoding parameters, the method comprising:

the transmitting station sending the transmitting frame using the fixed set of header encoding parameters and one set of the variable set of payload encoding parameters at a time;

the receiving station:

receiving and decoding the header segment of each transmitting frame,

performing a decode process on the payload segment of each transmitting frame, and either decoding the payload segment without errors wherein the frame is considered successfully received, or detecting an error occurrence in the decode process,

measuring and tracking the performance of the frame decode process,

determining network performance characteristics for establishing desired performance based upon measuring and tracking the performance of the frame decode process, and

indicating to the transmitting station changes to the payload encoding parameters based upon determining network performance improvement characteristics; and

the transmitting station changing the one set of the variable set of payload encoding parameters corresponding to the changes to the payload encoding parameters indicated to the transmitting station for encoding next future transmitting frames. (*Emphasis supplied*)

Claim 1 is directed to a method for providing dynamic adjustment of frame encoding parameters to improve transmission performance for a transmitting frame being transmitted from a transmitting station to a receiving station over a transmission medium on a frame-based communications network. The transmitting frame has a header portion and a payload portion. In the method of claim 1, the header portion is transmitted using a fixed set of encoding parameters, while the payload portion is transmitted using a variable set of payload parameters. Li does not disclose or describe such an approach. In Li, frames (i.e., headers and corresponding payloads) are encoded using a single set of encoding parameters. *See, e.g.*, Abstract, Figure 6. Accordingly, Li does not anticipate claim 1 and the rejection should be withdrawn.

Because the foregoing is sufficient to overcome the rejection of claim 1 on Li, Applicants do not address the remarks made with respect to claim 1 in the Office Action. These remarks are not, however, conceded and Applicants reserve right to address these remarks in a future response in the event Li is again asserted against the application.

Without addressing the remarks in the Office Action made with respect to claims 2-16 and 18-20, Applicants note that these claims ultimately depend from claim 1 and include all of its limitations. Therefore, Li does not anticipate these claims by virtue of their dependence on claim 1. Accordingly, the rejection should be withdrawn.

Without addressing the remarks in the Office Action made with respect to claim 21, which are not conceded, Applicants note that claim 21 includes limitations that are similar to those discussed above with respect to claim 1. Therefore, claim 21 is not anticipated by Li for similar reasons as discussed above with respect to claim 1.

Without addressing the remarks in the Office Action made with respect to claims 22-36 and 38-43, Applicants note that these claims ultimately depend from claim 21 and include all of its limitations. Therefore, Li does not anticipate these claims by virtue of their dependence on claim 21. Accordingly, the rejection of claims 22-36 and 38-43 should be withdrawn.

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Claim Rejections – 35 U.S.C. § 103

In the Office Action, claims 17 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Li. Applicant respectfully addresses this rejection.

As discussed above, Li does not disclose, describe or suggest a method that includes encoding a transmitting frame using a fixed set of header encoding parameters and one set of a variable set of payload encoding parameters, as recited in claims 1 and 21. Accordingly, claims 1 and 21 are not obvious over Li on at least this basis.

Without addressing the remarks in the Office Action made with respect to claims 17 and 37, which are not conceded, because these claims depend, respectively, on claims 1 and 21, claims 17 and 37 are also not obvious by virtue of claim dependence. Therefore, the rejection of claims 17 and 37 should be withdrawn.

Conclusion

Applicant believes that all pending claims are in condition for allowance and respectfully requests notification to that effect. The Examiner may telephone Applicant's attorney (360-554-8042) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521.

Respectfully submitted,

Brake Hughes Bellerman LLP
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Date ___2/6/07___   By: _____

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below, Pacific Standard Time.

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